INFORMATION REGARDING WAIVER OF THE CHAPTER 7 FILING FEE

I. Statutory and Discretionary Factors

- A. 28 U.S.C. § 1930(f)(1) states that the court "may" waive the filing fee "if the court determines that [the debtor] has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget)."
- B. The court has discretion regarding whether to waive the fee. No one has a "right" to a fee waiver, not even someone who qualifies.
- C. If the debtor's income is over the 150% guideline for a family of comparable size, the debtor is not eligible for waiver of the fee.
- D. The "income official poverty line" may be found at the Department of Health and Human Services' website, http://aspe.hhs.gov/poverty.

II. Reconsideration

- A. If the court denies the debtor's application, and the debtor later indicates that he has tried to pay but could not, the court will reconsider the matter upon the written request of the debtor.
- B. If the court later learns of information demonstrating that the fee should not have been waived, the fee may be reimposed.

III. Other Fees

- A. A waiver of the filing fee does not extend to other fees that may be assessed, such as fees to file amended schedules. If the debtor is unable to pay any subsequent fees, she should seek an additional waiver from the court.
- B. The fact that the court may have waived the fee in one case does not mean that it will be waived in any subsequent cases the debtor may file.